

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CUTBERTO VIRAMONTES, an individual
and resident of Cook County, Illinois, *et al.*,

Plaintiffs,

v.

THE COUNTY OF COOK, a body politic and
corporate, *et al.*,

Defendants.

No. 1:21-cv-04595

Honorable Rebecca E. Pallmeyer

NOTICE OF WITHDRAWAL OF MOTION

PLEASE TAKE NOTICE that Non-Party Movant City of Naperville, Illinois (“Naperville”), by and through its counsel, hereby withdraws its previously filed *Motion to Reassign Related Case Pursuant to Local Rule 40.4* (Dkt. 64) (the “Motion”). The Motion and accompanying memorandum in support of the motion (Dkt. 65) sought the reassignment of *Robert Bevis, et al. v. City of Naperville, et al.* (N.D. Ill., No. 1:22-cv-04775) to this Court’s docket. Naperville now withdraws the Motion due to several changes in its case which obviate the reasons for filing the Motion.

Specifically, the following events have occurred since Naperville filed its Motion:

- 1) On January 27, 2023, Judge Kendall conducted an extended oral argument on Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction (*Bevis*, Case No. 22-cv-04775 at Dkt. 55).
- 2) On February 17, 2023, Judge Kendall issued an Order and Memorandum Opinion denying Plaintiffs’ Motion. (*Id.* at Dkt. 63).

3) On February 21, 2023, Plaintiffs filed a Notice of Appeal to the Seventh Circuit (*Id.* at Dkt. 65).

4) On February 24, 2023, Judge Kendall granted the State of Illinois' Motion to Intervene, in part, noting: "But the filing of an appeal divests the district court of jurisdiction only over aspects of the case involved in the appeal. *See Kusay v. United States*, 62 F.3d 192, 193–94 (7th Cir. 1995)." (*Id.* at Dkt. 70).

Accordingly, due to these changes in the status of this case since Naperville filed its Motion, Naperville submits that reassignment in this court would be inappropriate and respectfully withdraws the Motion.

Dated: March 2 , 2023

Respectfully submitted,

/s/ Christopher B. Wilson

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CERTIFICATE OF SERVICE

I, Christopher B. Wilson, certify that on March 2, 2023 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

I certify under penalty of perjury that the foregoing is true and correct.

DATED this 2nd day of March 2023.

s/ Christopher B. Wilson

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